

EXHIBIT A

Agree Proposed Scheduling Order¹

| # | J. Ellison Standing Rule Sequence and Timing | Agreed Proposed Date | Event |
|----|---|-----------------------------------|--|
| 0 | Friday, August 25, 2023 | Friday, August 25, 2023 | Scheduling Conference (see # 32 re: MEDIATION) |
| *1 | [2 weeks after Scheduling Conf.] | Friday, September 8, 2023 | OBM produces documents and information sufficient to show the operation of the relevant functionality in the Foreman software (e.g., source code, schematics, or flow charts) <u>Comply with Fed. R. Civ. P. 26(a)(1):</u> Parties to exchange Initial Disclosures |
| 1 | [2 weeks after Scheduling Conf.] | Thursday, December 14, 2023 | <u>Comply with P.R. 3-1 and P.R. 3-2: Parties to make disclosure of asserted claims and preliminary infringement contentions & make document production.</u> <i>After this date</i> , it is necessary to obtain leave of court to add and/or amend infringement contentions, pursuant to Patent Rule (P.R.) 3-7. Joint additional parties. It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court to join additional parties. Add new patents and/or claims for patents-in-suit. It is not necessary to file a motion to add additional patents or claims before this date. Thereafter, it is necessary to obtain leave of court to add patents or claims. |
| 2 | [6 weeks after # 1] | Thursday, January 25, 2024 | <u>Comply with P.R. 3-3 and 3-4: Parties to serve preliminary invalidity contentions</u> and make document production. Thereafter, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R.. 3-7. Add any inequitable conduct allegations to pleadings. Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations to pleadings. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations to pleadings. |

¹ The parties note that this Agreed Proposed Scheduling Order assumes that the pending Motion to Dismiss (Dkt. 17) will be decided no later than September 1, 2023. To the extent the Court decides the pending Motion to Dismiss after September 1, 2023, the parties will meet and confer to discuss whether the agreed schedule needs to be adjusted

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| 3 | [2 weeks after # 2] | Thursday, February 8, 2024 | Comply with P.R. 4-1: Parties' exchange of proposed terms and claim elements needing construction. |
| 4 | [3 weeks after # 3] | Thursday, February 29, 2024 | Comply with P.R. 4-2: Parties' exchange of preliminary claim constructions and extrinsic evidence. Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents). |
| 5 | [9 weeks after # 2; 17 weeks after Conf.] [= 4 weeks after #4] | Thursday, March 28, 2024 | Deadline to comply with P.R. 4-3: Filing of joint claim construction and pre-hearing statement. Disclosure of parties' claim construction experts & service of FED. R. CIV. P. 26(a)(2) materials |
| 6 | [matches # 5] | Thursday, March 28, 2024 | Deadline for all parties to file amended pleadings (pre-claim construction). It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. (It will be necessary to file a Motion for Leave to Amend after this deadline.) NOTE: If the amendment would affect preliminary infringement contentions or preliminary invalidity contentions, a motion must be made pursuant to P.R. 3-7 irrespective of whether the amendment is made prior to this deadline. |
| 7 | [22 weeks after Scheduling Conf.] [= 5 weeks after 5] | Thursday, May 2, 2024 | Each party to provide name, address, phone number, and curriculum vitae for up to three (3) candidates for a court- appointed special master (<i>see</i> FED. R. CIV. P. 53) or court- appointed expert (<i>see</i> FED. R. EV. 706), with information regarding the nominee's availability for <i>Markman</i> hearing or other assignments as deemed necessary by the court. The parties shall indicate if they agree on any of the nominees. |
| 8 | [22 weeks after Scheduling Conf.; generally matches # 7] | Thursday, May 2, 2024 | Deadline for parties (optional) to provide Court with written tutorials concerning technology involved in patent in issue. If a special master or court-appointed expert is hereafter selected, the parties will provide each tutorial to the master or expert. |

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| 9 | [2 weeks after # 6; generally 19 weeks after Scheduling Conf.] (Note – this is out of order and occurs before 7 & 8) | Thursday, April 11, 2024 | Responses to amended pleadings due. |
| 10 | [2 weeks after # 9; 21 weeks after Scheduling Conf.] (Note – this is out of order and occurs before 7 & 8) | Thursday, April 25, 2024 | Discovery deadline on claim construction issues (<i>see</i> P.R. 4-4) |
| 11 | [7 weeks after # 5; 3 weeks after # 10; generally 24 weeks after Scheduling Conf.] | Thursday, May 16, 2024 | Comply with P.R. 4-5(a): the party claiming patent infringement must serve and file a Claim Construction Opening Brief with its supporting evidence. The moving party is to provide the Court with 2 copies of the binders containing their Opening Brief and exhibits. If a special master or court-appointed expert has been appointed, the moving party must provide the Opening Brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court- appointed expert. |
| 12 | [2 weeks after # 11] | Thursday, May 30, 2024 | Comply with P.R. 4-5(b): Responsive Brief and supporting evidence due <u>to</u> party claiming patent infringement. The moving party is to provide the Court with two (2) courtesy copies of the Responsive Brief and exhibits. If a special master or court- appointed expert has been appointed, the nonmoving party must supply a copy of its Response on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert. |

| # | J. Ellison Standing Rule Sequence and Timing | Agreed Proposed Date | Event |
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| 13 | [1 week after # 12] | Thursday, June 6, 2024 | <p>Comply with P.R. 4-5(c): Party claiming infringement shall file a Reply Brief and supporting evidence on claim construction. The moving party is to provide the Court with two (2) copies of the Reply Brief and exhibits.</p> <p>If a special master or court-appointed expert has been appointed, the moving party must provide the Reply Brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits, to the special master or court-appointed expert.</p> <p>Parties to file a notice with the Court stating the estimated amount of time requested for the Claim Construction (<i>Markman</i>) Hearing. The Court will notify the parties if it is unable to accommodate this request.</p> |
| 14 | [1 week before Markman Hearing] | Wednesday, July 3, 2024 | Parties to submit Claim Construction Chart in WordPerfect 8.0 (or higher) format in compliance with P.R. 4-5(d). |
| 15 | [approx. 15 weeks after # 5; approx. 5 weeks after # 13; 32 weeks after Scheduling Hrg.] | Thursday, July 11, 2024 | Claim Construction (<i>Markman</i>) Hearing at ____ .m. at the United States District Court, 515 Rusk Street, Courtroom 9-F, Houston, Texas |
| 16 | [Markman ruling within 6 weeks after Markman hearing] | Thursday, August 22, 2024 | Court's Decision on Claim Construction (Markman Ruling) (If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.) |
| 17 | [4 weeks after Markman Ruling (# 16)] | Thursday, September 19, 2024 | <p>Deadline for final infringement contentions and to amend pleadings on infringement claims</p> <p>NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final infringement contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.</p> |
| 18 | [6 weeks after Markman Ruling (# 16); 2 weeks after # 17] | Thursday, October 3, 2024 | <p>Deadline for final invalidity contentions and to amend pleadings on invalidity claims.</p> <p>NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final invalidity contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.</p> |

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| 19 | [matches # 17; ~10.5 mos. after Scheduling Conf.] | Thursday, September 19, 2024 | Comply with P.R.3-8. All parties furnish documents and privilege logs pertaining to willful infringement. |
| 20 | [4 weeks after # 19] [~ 8 weeks after Markman Ruling (# 16) and ~11.5 mos. after Scheduling Conf.)] | Thursday, October 17, 2024 | Date for designation of expert witnesses on non-construction issues on which the party has the burden of proof (“BOP”) and service of expert witness reports. [Refer to Fed. Rules of Civil Proc. for information required.] |
| 21 | [4 weeks after # 20] | Thursday, November 14, 2024 | Date for designation of responsive expert witnesses on nonclaim construction issues on which party does not have BOP, and service of responsive expert witness reports. [Refer to Fed. Rules of Civil Proc. for information required.] |
| 22 | [8 weeks after # 21, ~ 5 mos. after Markman Ruling (# 16), and ~14.5 mos. after Sched. Conf.] | Thursday, January 2, 2025 | Discovery Deadline on all issues. <i>(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)</i> |
| 23 | [4+ weeks after # 22] Responsive Briefs due (3 wks): Reply Briefs due (1 wk): | Thursday, February 6, 2025 | Dispositive and Non-Dispositive Motions and Briefing deadlines |
| 24 | [~ 8 weeks. after motions in # 23 filed; ~17 mos. from Sched’l’g Conf.] | Thursday, April 3, 2025 | Court’s ruling on all pending motions |

| # | J. Ellison Standing Rule Sequence and Timing | Agreed Proposed Date | Event |
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| 25 | [4 weeks after # 24; at least 2 weeks before Docket Call] | Thursday, May 1, 2025 | Joint Pretrial Order due including all components required by Local Rules and this Court's Procedures (such as witness lists, exhibit lists and copies of exhibits (see # 29 below), and (a) in bench trials, proposed findings of fact and conclusions of law with citation to authority and (b) for jury trials, joint proposed jury instructions with citation to authority, and proposed verdict form). Statement of Expected Length of Trial: days (~6 hours with jury per day). |
| 26 | [same day as JPTO (# 25) – but filed separately] | Thursday, May 1, 2025 | Written notice due for request for daily transcript or real time reporting of trial proceedings. |
| 27 | [Same day as JPTO (# 25)] | Thursday, May 1, 2025 | Video and Deposition Designations due. Each party who proposes to offer a deposition by video must file a disclosure identifying the line and page numbers to be offered. All other parties will have 1 week to file a response requesting cross designation line and page numbers to be included. Each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections. |
| 28 | [same day as JPTO (# 25)] | Thursday, May 1, 2025 | Motions in Limine due. |
| 29 | [1 week after JPTO filed (# 25)] | Thursday, May 8, 2025 | Objections to opponents' proposed witnesses, proposed exhibits, designated deposition testimony, and any other matters due. |
| 30 | [1 day before Docket Call – 3 p.m.] | Monday, June 23, 2025 | The parties are directed to confer and advise the Court about (a) which limine requests the parties agree to. |
| 31 | [18.5 mos. after Scheduling Conf.; ~20 mos. after case filed] | Tuesday, June 24, 2025 | 9:00 a.m. Docket Call/ Final Pretrial Conference at the United States District Court, 515 Rusk Street, Houston, Texas. |
| 32 | MEDIATION is required prior to Docket Call, | Thursday, April 17, 2025 | The Court refers most patent cases to mediation. The parties should discuss proposed mediators and timing of mediation prior to the Scheduling Conference and be prepared with recommendations for the Court. Mediation to be completed by this date. The parties must select a mediator for this case. The parties and mediator must comply with S.D. TEXAS LOCAL RULE 16. |

| # | J. Ellison Standing Rule Sequence and Timing | Agreed Proposed Date | Event |
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| 33 | [generally, the first day of jury trial] | Thursday, June 26, 2025 | 9:00 a.m. JURY SELECTION at the United States District Court |
| 34 | [Generally same date as jury selection # 33] | Thursday, June 26, 2025 | JURY TRIAL (9:30 a.m.) commences, subject to Court's criminal docket |